

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: WARK DEVELOPMENT SUBDIVISION

Case Number: PLD2004-00061; SEP2004-00114; VAR2004-00014;
WET2004-00026; ARC2004-00039

Hearing Examiner: Richard Forester

Location: 17216 NE 29th Avenue

Request: Subdivide approximately 4.7 acres into 16 single-family lots in the R1-10 Zoning District with administrative variance to the lot width requirements

Applicant: Moss & Associates Inc.
Attn: Steve Marsh
717 NE 61st Street, Suite 202
Vancouver, WA 98665
Phone - (360) 260-9400
E-mail - james@mossandassociates.net

Owner: Ron & Carol Fields
17216 NE 29th Avenue
Ridgefield, WA 98642

RECOMMENDATION

APPROVAL, subject to conditions

Team Leader's Initials: _____ **Date Issued:** 9/29/04

Public Hearing Date: October 14, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer:	Ken Carlson	4881	ken.carlson@clark.wa.gov
Engineer: (Trans. Concurrency):	Shelley Oylear	4354	shelley.oylear@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Eng. Supervisor:	Richard Drinkwater, P.E.	4492	richard.drinkwater@clark.wa.gov
Eng. Supervisor: (Trans. Concurrency):	Steve Shulte, P.E.	4017	steve.shulte@clark.wa.gov

Comp Plan Designation: Urban Low Density

Zoning: R1-10

Legal Description: Tax Lots 15 (181908) in the Northeast quarter of Section 14 Township 3 North, Range 1 East of the Willamette Meridian

Applicable Laws:

Clark County Code Chapters: 40.220.010 (Residential Districts); 40.350 (Transportation, Concurrency, and Circulation Standards); 40.370.010 (Sewer); 40.370.020 (Water); 40.380 (Stormwater and Erosion Control); 15.12 (Fire); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.550.020 A (Administrative Variance); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.6 (Impact Fees); and RCW 58.17 (State Platting Laws)

Neighborhood Association:

Fairgrounds Neighborhood Association, **Contact** - Bridget Swartz, 2110 NW 179 Street Ridgefield, WA 98642, **Phone** - (360) 573-5873, **E-mail** - bridget@bridge-i-t.com

Time Limits:

The application was submitted on July 12, 2004 and determined to be fully complete on August 2, 2004. Therefore, the County Code requirement for issuing a decision within 92 days lapses on November 2, 2004. The State requirement for issuing a decision within 120 calendar days lapses on November 30, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest on the date the fully complete pre-application is filed.

A pre-application conference on this matter was held on June 10, 2004; however, the application was not sufficiently complete to qualify for contingent vesting. Therefore, the application is vested on the fully complete submittal date of July 12, 2004. The application vested for transportation concurrency on July 12, 2004.

Public Notice:

Several methods of community outreach were utilized in processing this application. Notice of application and public hearing was mailed to the applicant, Fairgrounds Neighborhood Association, and property owners within 300 feet of the site on August 16, 2004. One sign was posted on the subject property and two within the vicinity on September 29, 2004. A public hearing will be held on October 14, 2004 which will offer the public another opportunity to comment on the proposed development.

Public Comments:

The County has not received written public comments to date regarding the proposal.

Project Description/Background

The applicant proposes to divide the subject site into 16 single-family residential lots with an administrative variance request for the lot width requirements for Lots 1, 2, 6, and 9. All lots in the proposed subdivision will access the on-site public road system to NE 29th Avenue. The following is a comprehensive plan, zoning and existing use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-10	Single-family residential
North	UL	R1-10	Single-family residential – Large Lot
East	UL	R1-10	Single-family residential – Across NE 29 th Ave
South	UL	R1-10	Single-family residential - Platted
West	UL	R1-10	Single-family residential - Platted

The site is relatively flat and contains Category 4 wetlands that are exempt due to the size (see Finding 7).

Major Issues and Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this

proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Lot Standards

The proposed subdivision is located in the R1-10 Zone which requires a minimum lot size of 10,000 square feet. The submitted preliminary plat identifies lots that appear to have a minimum size of 10,000 square feet; however, staff is concerned regarding the applicant's lot area calculations. Sidewalks and road clear spaces are proposed within public easements (4.5, 8.5, or 9.5 in width). Staff does not support this concept (see Finding 12 for more analysis). The final plat should identify sidewalks and clear spaces within right-of-way to be dedicated not public easements; therefore, not included within lot areas of all lots. Staff acknowledges that there will be a loss of lots. (See Condition A-1)

The proposed plat complies with the minimum lot dimensional standards with exception of lot width requirements for Lots 1, 2, and 6. (See Finding 2 below)

Finding 2 – Administrative Variance

The applicant has requested an administrative variance request for the lot width requirements for Lots 1, 2, 6, and 9; however, it appears Lot 9 meets the minimum standard. Staff has reviewed the proposed variance against the criteria of 40.550.020 A3 (a through d). The following is response to the four criteria:

- a. Staff finds that the granting of this variance will not substantially detract from the livability or appearance of the residential area. The proposed average lot widths are approximately 75 feet. The reduction in five feet would not be perceptible to surrounding residents. In addition, the lot sizes and building envelopes are equal to the other lots in the development. Therefore, staff believes this criterion is met.
- b. Only one variance is requested, so there are no cumulative effects to be considered.
- c. Staff finds there are no adverse impacts because the buildable area of the lots will be equal to other lots in the development, allowing home construction similar to other lots.
- d. This criterion is not applicable because the proposed variance will not impact pedestrian or vehicular access.

Based on the above findings, staff finds the proposal complies with the administrative variance criteria and should be approved.

Finding 3 – Setbacks

Although details of home construction on the proposed lots have not been provided at this time (and were not required), the following setbacks apply to the proposed plat:

- Twenty foot front setback for all buildings
- Ten foot street side setback for lot 13 along Public Court "C" and lot 12 along Public Court "B"
- Five foot standard setback for all other side and rear setbacks in the plat

A note on the plat is warranted that identifies setback requirements (see Plat Note C-1).

Finding 4 – Existing Structures

The applicant has indicated in the SEPA Checklist that two mobile homes exist on the site and they will be removed. It appears from the aerial photo of the site that there are also accessory structures on the site. Staff finds that all existing structures on the site should be removed prior to final plat approval (see Condition A-2)

Finding 5 – Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (see Plat Note C-2).

Finding 6 - State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for the public health, safety, and general welfare. Connection of the proposed residences to public water and sewer, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

WETLANDS:

Finding 7

The site contains a Category 4 wetland that is approximately 3320 square foot in size. This wetland is exempt per CCC 40.450.010 (C)(1) because it is less than 10,000 square foot. No further wetland review is required.

ARCHEOLOGICAL:

Finding 8

The proposal is located within a high probability area for containing cultural resources. An archaeological predetermination was completed for the site by the County Archaeologist which included walk over meandering transects and five shovel test probes (see Exhibit 7). No archaeological items were found. Archaeological Services of Clark County recommends that no further archaeological work is necessary. If any cultural resources are discovered in the course of development construction, the Office of Archaeology and Historic Preservation in Olympia and Heritage Trust of Clark County should be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines (see Condition C-3).

TRANSPORTATION CONCURRENCY:

Finding 9 – Concurrency

County concurrency staff has reviewed the proposed subdivision consisting of 16 single-family residential lots. The applicant's traffic study has estimated the weekday AM peak hour trip generation at 12 new trips, while the PM peak hour trip generation is estimated at 16 trips. The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Site Access - Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network (NE 29th Avenue). The access appears to maintain acceptable LOS.

Operating LOS on Corridors - The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model (See condition A-3)

Concurrency Compliance - The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Finding 10 - Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis
- turn lane warrant analysis
- accident analysis
- any other issues associated with highway safety

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Traffic Signal Warrants - Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

Turn Lane Warrants - Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the unsignalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

Historical Accident Situation - The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accidents per million entering vehicles. Therefore, mitigation by the applicant is not required.

Traffic Controls During Construction - During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily

impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (See Condition B-2)

The applicant shall maintain all existing signs within the public right of way within the limits of the development's construction until the public roads have been accepted by the County. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the County installs the permanent signing and striping.

TRANSPORTATION

Finding 11 - Circulation Plan

In accordance with Section CCC 40.350.030(B)(2), the purpose of the circulation plan is to ensure access to the proposed development and to provide adequate cross-circulation in a manner which allows subsequent developments to meet cross circulation standards. Staff finds by the evidence submitted that there is no feasibility of cross circulation roads within and in the vicinity of this development that could reasonably accomplish this purpose and therefore complies with the standard.

Finding 12 - Roads

NE 29th Avenue is classified as a 2-lane Collector (C-2). The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with CCC Table 40.350.030-2 and Standard Details Manual, Drawing #12 include:

- A minimum half-width right-of-way of 30 feet
- A minimum half-width roadway of 19 feet
- Curb/ gutter and a minimum detached sidewalk width of 6 feet
- Landscaping per Section 'G' of Standard Details Manual

The proposed improvements for this road comply with the provisions of CCC 40.350.

Public Street "A" and Public Court "B" are classified as urban cul-de-sac streets. The right-of-way dedication/easement and improvements for this road in accordance with CCC Table 40.350.030-4 and Standard Detail Manual, Drawing #15 & #28 include:

- A minimum right-of-way/easement of 46 feet
- A minimum roadway width of 26 feet
- Curb/gutter and a minimum sidewalk width of 5 feet

The proposed improvements for these roads comply with provisions of CCC 40.350.

Public Court "C" is classified as an urban short cul-de-sac street. The right-of-way dedication/easement and improvements for this road in accordance with CCC 40.350 and Standard Detail Manual, Drawing #16 & #29 include:

- A minimum right-of-way/easement of 42 feet
- A minimum roadway width of 24 feet
- Curb/gutter and a minimum sidewalk width of 5 feet

The proposed improvements for this road comply with provisions of CCC 40.350.

Cul-de-sacs - Staff finds that the cul-de-sacs for Public Court “B” and “C” do not comply with CCC 40.350. The applicant is proposing a 5 foot wide public utility easement for Public Court “B” and a 4.5 foot wide public utility easement for Public Court “C”. Staff finds that both of these cul-de-sacs are required to have 5 foot wide sidewalks and a 5 foot wide public easement for pedestrian access. The public utility easement is required to be placed behind the sidewalk and not allowed within the sidewalk area. (See Condition A-4)

Sidewalks Easements – The applicant proposes sidewalks and clear spaces within public easements (4.5, 8.5, or 9.5 in width); however, this is not supported by staff. Under CCC Chapter 40.350 Transportation and Circulation, Drawings 15 and 16 (note #2), it states that sidewalk may be in easement in lieu of right-of-way. Management Decision¹ MD-DS1032 provides for allowing sidewalks within easements only when they cannot be located within the established public right-of-way or private roadway tract due to natural features that should be preserved (see Exhibit 19). Staff finds that the unique situation contemplated by this management decision does not exist in this plat; therefore, sidewalks and clear spaces should not be allowed within the proposed public easements. The final plat should identify sidewalks and road clear spaces within right-of-way to be dedicated, not in public easements. (see Condition A-1)

Finding 13 - Access

In compliance with Section CCC 40.350.030(B)(4)(c)(2). No access onto NE 29th Avenue, a collector road, shall be allowed since an access onto the proposed onsite road with the lower classification can be provided. (See Condition A-5)

Finding 14 - Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. (See Condition A-6)

Finding 15 – Pedestrian/Bicycle Circulation

The applicant is proposing a 10 foot wide pedestrian walkway from the northerly end of Public Court “C” to the Parks and Recreation property to the north of the site. All sidewalks, pedestrian walkways, driveway aprons, and road intersections shall comply with the Americans with Disabilities Act. (See Condition A-7)

Finding 16 - Landscaping

Landscaping is required for the frontage of NE 29th Avenue (see Condition A-8).

Conclusions

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff

¹ When an interpretation of code is necessary due to unclear code language, the Development Services Manager will issue a Management Decision. Staff then recommends these interpretations to the Board of County Commissioners for adoption as part of the biannual code amendment process.

concludes that the proposed preliminary transportation plan meets the requirements of the county transportation ordinance, subject to conditions.

STORMWATER:

Finding 17 - Applicability

The Stormwater and Erosion Control Ordinance CCC 40.380, adopted July 28, 2000, applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; The platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section 40.380.030(A).

This project will create more than 2000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and it is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore this development shall comply with the Stormwater and Erosion Control Ordinance CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 18 - Stormwater Proposal

The project proposes to achieve the required stormwater quality control for runoff from the pollution-generating surfaces by a series of catch basins. Runoff will be conveyed from the subdivision roads A, B and C and NE 29th Avenue to a Stormfilter treatment system which will be sized and conform to Section CCC 40.380. The stormwater will be released to the detention pond which is 0.17 acres in size and is located just to the south of proposed Lot 16. The stormwater will be released to the existing drainage way on the east side of NE 29th Avenue and flow east.

A Stormfilter manhole will be used for water quality. The stormwater from the internal streets and the southern portion of NE 29th Avenue will be conveyed to the manhole in Road A. The stormwater from the portions of NE 29th Avenue that cannot be conveyed to the manhole in Road C will be treated with either stormfilter catch basins or another Stormfilter manhole positioned in the low spot in the right-of way on NE 29th Avenue.

A diversion swale will be constructed along the north side of the property to convey off site water to the existing ditch along NE 20th Avenue. The water will then be conveyed underneath NE 29th Avenue to the existing drainage way.

Finding 19 - Site Conditions and Stormwater Issues

The majority of the site has slopes of 5% to 10% and contains meadow and pasture land and two mobile homes which will be removed prior to development of the site. The preliminary stormwater report indicates that the developed site will contain 2.14 acres of impervious area consisting of 1.10 acres of roof area and 1.04 acres of impervious area due to paved surfaces, sidewalks and driveways.

The project proposes to convey runoff from this development to the detention facility which will be in a tract dedicated to Clark County and publicly maintained. The

detention pond will be designed to cut the flow rate leaving the site during the 2-year storm in half, and maintain the existing flow rates of the 10 and 100 year design storms. In accordance with the provisions of Section CCC 40.380.030(C)(1)(g), no development within an urban area shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The project will be required to comply with these provisions. (See Condition A-9)

The 1972 USDA, SCS soil survey of Clark County shows the site to be underlain by Gee Silt Loam (Ge B) soils classified by AASHTO as A-6 soils. Infiltration rates are low and infiltration is not proposed with this project.

Finding 20 - Erosion Control

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.020. This project is subject to the erosion control ordinance.

Conclusion

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 21

Tom Scott (in the Fire Marshal's Office) reviewed this application. Tom can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 5):

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition B-1)
- b. Fire flow in the amount of 1000 gallons per minute supplied for 60 minute duration is required for this application. The applicant has submitted documentation from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (see Condition A-10)
- c. Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants is adequate. Hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief. (See Condition A-10)
- d. The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standards. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition A-11)

HEALTH DEPARTMENT:

Finding 22

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. (See Condition D-7)

UTILITIES:

Finding 23

The applicant has submitted utility reviews from the Clark Public Utilities and the Hazel Dell Sewer District indicating that public water and sewer is available to the subject site. All lots in the proposed plat must connect to an approved public sewer and water system. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health Department with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (see Condition D-8)

IMPACT FEES:

Finding 24

Park (PIF), Traffic (TIF), and School (SIF) Impact Fees apply to this development. The site is within Park District 10 which has a total PIF of \$1,534.00 per lot (Acquisition - \$1,094, Development - \$440), the Mt. Vista District which has a TIF of \$2,489.16 per lot, and the Ridgefield School District which has a SIF of \$3,559.00 per lot.

If a building permit application is received more than three years following the preliminary plat approval, the Impact Fees will be recalculated according to the then current ordinance. This should be noted on the face of the final plat. (See Condition B-3 & C-7)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an EIS;
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (**DNS**). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period

Publication date of this DNS is September 29, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on October 13, 2004 (**the Public Comment Deadline**).

Public Comment Deadline:
October 13, 2004

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the

Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA appeal is can not be appealed the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Richard Daviau, (360) 397-2375, ext. 4895

Responsible Official: Michael V. Butts
Department of Community Development

RECOMMENDATION

Based upon the findings and conclusions stated above, staff recommends that the Hearing Examiner **APPROVE** this request with the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat Approval:

- A-1 The final plat shall identify sidewalks and clear spaces within right-of-way to be dedicated, not in public easements. In addition, the plat shall be revised not to include these areas within the lots (see Finding 1 and 12).
- A-2 All existing structures on the site shall be removed prior to final plat approval (see Finding 4).
- A-3 The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made within 60 days of issuance of the decision with evidence of payment presented to staff at Clark County Public Works. (See Finding 9)
- A-4 A 5-foot wide sidewalk and public utility easement is required around the cul-de-sacs for Public Court "B" and "C". The public utility easement shall be placed behind the sidewalk area. (See Finding 12)
- A-5 No lots shall be allowed to access NE 29th Avenue (See Finding 13).
- A-6 Evidence shall be submitted with the proposed construction drawings that show this development complies with sight distance standards (see Finding 14).

- A-7 A 10-foot wide pedestrian walkway between Lot 14 and Lot 15 will be constructed from Public Court "C" cul-de-sac to the Parks and Recreation property to the north (see Finding 15).
- A-8 Landscaping along the frontage of NE 29th Avenue shall comply with Appendix G of the Transportation Standards (see Finding 16).
- A-9 The applicant shall submit and receive approval of a capacity analysis of the downstream conveyance system; and conduct an analysis of off-site water quality impacts extending a minimum of one-fourth of a mile downstream from the stormwater outfall (see Finding 19).
- A-10 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational. Required hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief. (See Finding 21b & 21c)
- A-11 Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (see Finding 21d).

B. Conditions that must be met prior to Building Permit Issuance:

- B-1 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- B-2 Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (See Finding 10)
- B-3 School, Park and Traffic Impact Fees are required for lots in this plat - \$3,559.00 (Ridgefield School District), \$1,534.00 (Acquisition - \$1,094, Development - \$440 for Park District 10), and \$2,489.16 (Mt. Vista Transportation sub-area) respectively. Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate.

C. Notes Required on Final Plat

The following notes shall be placed on the final plat:

C-1 Setbacks:

"The following setbacks apply to the proposed plat (see Finding 3):

- a. Twenty foot front setback for all buildings
- b. Ten foot street side setback for lot 13 along Public Court "C" and lot 12 along Public Court "B"
- c. Five foot standard setback for all other side and rear setbacks in the plat

C-2 Mobile Homes:

"Placement of Mobile/Manufactured Homes is prohibited."

C-3 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

C-4 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

C-5 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

C-6 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 40.350. No direct access is allowed onto NE 29th Avenue."

C-7 Impact Fees:

"In accordance with CCC 40.610, the School, Park and Traffic Impact Fees for lots in this plat is: \$3,559.00 (Ridgefield School District), \$1,534.00 (Acquisition - \$1,094, Development - \$440 for Park District 10), and \$2,489.16 (Mt. Vista Transportation sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

D-1 Land Division:

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

D-2 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

D-3 Erosion Control:

- a. Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- b. For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- c. Erosion control facilities shall **not** be removed without County approval.
- d. Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

D-4 Excavation and Grading:

- a. Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
- b. Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

D-5 Stormwater:

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380.

D-6 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

D-7 Health Department:

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer.

D-8 Utilities:

A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>